

House Amendment 8291

PAG LIN

1 1 Amend the amendment, H=8150, to House File 2651, as
1 2 follows:
1 3 #1. Page 1, by inserting after line 1 the
1 4 following:
1 5 <#____. Page 1, line 21, by striking the word
1 6 <subsection> and inserting the following:
1 7 <subsections>.
1 8 #____. Page 1, by inserting after line 31 the
1 9 following:
1 10 <NEW SUBSECTION. 2B. a. A person who is
1 11 disqualified from operating a commercial motor vehicle
1 12 pursuant to subsection 1, 2, or 2A, who prevails in a
1 13 hearing on the criminal action on the charge of a
1 14 violation of section 321J.2 resulting from the same
1 15 circumstances that resulted in the administrative
1 16 disqualification, is entitled to reinstatement of the
1 17 person's privilege to operate a commercial motor
1 18 vehicle if the court held either of the following:
1 19 (1) That the peace officer did not have reasonable
1 20 grounds to believe that a violation of section 321J.2
1 21 had occurred to support a request for or to administer
1 22 a chemical test.
1 23 (2) That the chemical test was otherwise
1 24 inadmissible or invalid.
1 25 b. Such a holding by the court in the criminal
1 26 action is binding on the department, and the
1 27 department shall rescind the disqualification.>>
1 28 #2. By renumbering as necessary.
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1 32 R. OLSON of Polk
1 33 HF 2651.204 82
1 34 dea/nh/20951
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